

Application No. 09/583,502
Amendment Dated May 4, 2004
Reply to Office Action dated January 12, 2004

REMARKS

Remarks are preceded by quotations of the Examiner's comments, presented in small bold-faced type.

3. The Petition to correct Inventorship filed on November 6, 2003 under 37 CFR 1.48 (a) has been fully considered. The Petition to correct Inventorship filed under 37 CFR 1.48 (a) should be accompanied by five items as specified by MPEP 201.03 37 CFR 1.48 (a). One of the requirements is that the request to correct the inventorship should be accompanied by the written consent of any existing assignee, if any of the originally named inventors has executed an assignment.

A statement granting the written consent of the assignee is provided herewith. A grant of the petition to correct inventorship is respectfully requested.

Affidavit under 37 CFR 1.131 Insufficient

4. The declaration filed on November 6, 2003 under 37 CFR 1.131 has been considered but is ineffective to overcome the Fujieda (U.S. Patent 6,557,002) reference.

* * *

to be shown under 37 CFR 1.131 is priority of invention and this may be done by any satisfactory evidence of the fact. FACTS, not conclusions, must be alleged. Evidence in the form of exhibits may accompany the affidavit or declaration. Each exhibit relied upon should be specifically referred to in the affidavit or declaration, in terms of what it is relied upon to show. For example, the allegations of fact might be supported by submitting as evidence one or more of the following:

Revised affidavits of Kirk Haller, Jyoti Das, and Austion O'Malley are included herewith. The revised affidavits refer to factual Exhibits "A" through "E", attached thereto, to establish a date of conception prior to the cited references.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

7. Claims 1-4, 7, 10, 12-16, 19, 22, 25-28, 31, 34 and 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Fujieda et al. (FU) (U.S. Patent 6,557,002).

10. Claims 5, 6, 17, 18, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujieda et al. (FU) (U.S. Patent 6,557,002) in view of Altidis (AL) (Solidworks 98Plus, Design News, April 1999).

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Enclosed herewith are the revised affidavits under 37 CFR 1.131 swearing back to a date of invention prior to the November 8, 1999 filing date of U.S. Patent 6,557,002 (Fujieda). Consequently, Fujieda has not been shown to be prior art under 35 USC 102(e).

Because Fujieda has not been shown to be prior art under 35 USC 102(e), rejection of claims in light of Fujieda is improper. Accordingly, rejection of claims under 35 USC § 102(e) in light of Fujieda, or under 35 USC § 103 in light of Fujieda in combination with other prior art references is improper. It is respectfully requested that the Examiner withdraw his rejection of claims 1-7, 10, 12-19, 22, 24-31, 34, and 36.

Allowable Subject Matter

11. Claims 8, 9, 11, 20, 21, 23, 32, 33 and 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

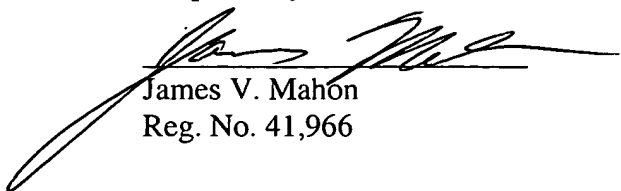
The undersigned thanks the Examiner for the indication of allowable subject matter.

CONCLUSIONS

Claims 1-36 are now pending and are believed to be in condition for allowance. No new matter has been added. Please apply any credits or excess charges to our deposit account number 50-0521.

Respectfully submitted,

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